

OPEN MEETING ITEM



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COMMISSIONERS
MIKE GLEASON - Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

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ARIZONA CORPORATION COMMISSION

22

2007 AUG -6 P 4: 25

DATE: AUGUST 6, 2007
DOCKET NO: T-03874A-07-0367

AZ CORP COMMISSION
DOCKET CONTROL

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Yvette B. Kinsey. The recommendation has been filed in the form of an Order on:

ONFIBER CARRIER SERVICES, INC.
(CANCEL CC&N)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

AUGUST 15, 2007

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

AUGUST 21, 2007 and AUGUST 22, 2007

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

BRIAN C. McNEIL
EXECUTIVE DIRECTOR

Arizona Corporation Commission
DOCKETED

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1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 MIKE GLEASON, Chairman
4 WILLIAM A. MUNDELL
5 JEFF HATCH-MILLER
6 KRISTIN K. MAYES
7 GARY PIERCE

8 IN THE MATTER OF THE APPLICATION OF
9 ONFIBER CARRIER SERVICES, INC. FOR
10 CANCELLATION OF ITS CERTIFICATE OF
11 CONVENIENCE AND NECESSITY TO PROVIDE
12 PRIVATE LINE SERVICES IN THE STATE OF
13 ARIZONA.

DOCKET NO. T-03874A-07-0367

DECISION NO. _____

ORDER

14 Open Meeting
15 August 21 and 22, 2007
16 Phoenix, Arizona

17 **BY THE COMMISSION:**

18 Having considered the entire record herein and being fully advised in the premises, the
19 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

20 **FINDINGS OF FACT**

21 1. In Decision No. 67062 (June 25, 2004), the Commission granted to OnFiber Carrier
22 Services, Inc. ("Applicant" or "Company") a Certificate of Convenience and Necessity ("Certificate"
23 or "CC&N") authorizing it to provide private line services in Arizona.

24 2. On June 14, 2007, Applicant filed an application with the Commission requesting
25 approval to cancel its CC&N to provide competitive private line services and to cancel its tariffs in
26 Arizona.

27 3. On June 29, 2007, Applicant published legal notice of its intent to cancel its CC&N.

28 4. Applicant is not conducting business or providing services to customers in Arizona.

5. The Company does not have a performance bond on file with the Commission.

6. Applicant has no outstanding compliance issues filed with the Commission.

7. Staff recommends approval of the Applicant's application for cancellation of its
CC&N to provide competitive private line services in Arizona and cancellation of its tariff in
Arizona.

8. Staff's recommendations are reasonable and should be adopted.

CONCLUSIONS OF LAW

1. Applicant is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. A.A.C. R14-2-1107 applies to any telecommunications company providing private line service that intends to discontinue service or to abandon all or a portion of its service area.

3. The Commission has jurisdiction over Applicant and the subject matter of the application.

4. The cancellation of Applicant's CC&N is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the application of OnFiber Carrier Services, Inc. for cancellation of its Certificate of Convenience and Necessity to provide private line services in Arizona shall be, and is hereby, granted.

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1 IT IS FURTHER ORDERED that the tariffs of OnFiber Carrier Services, Inc. are hereby
2 cancelled.

3 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

4 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.
5
6

7 CHAIRMAN

COMMISSIONER

9
10 COMMISSIONER

COMMISSIONER

COMMISSIONER

11 IN WITNESS WHEREOF, I BRIAN C. McNEIL, Executive
12 Director of the Arizona Corporation Commission, have
13 hereunto, set my hand and caused the official seal of this
14 Commission to be affixed at the Capitol, in the City of Phoenix,
15 this _____ day of _____, 2007.

16 BRIAN C. McNEIL
17 Executive Director

18 DISSENT: _____
19

20 DISSENT: _____
21 YBK:db

1 SERVICE LIST FOR:

ONFIBER CARRIER SERVICES, INC.

2 DOCKET NO.:

T-03874A-07-0367

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